

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 166

Introduced by Synowiecki, 7; Combs, 32; Connealy, 16

Read first time January 7, 2005

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend sections 48-2102, 48-2104,
2 48-2107, 48-2114, and 48-2115, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to the
4 Contractor Registration Act; and to repeal the original
5 sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-2102, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 48-2102. It is the intent of the Legislature that all
4 contractors doing business in ~~counties with a population of over~~
5 ~~one hundred thousand inhabitants~~ Nebraska be registered with the
6 department. It is not the intent of the Legislature to endorse the
7 quality or performance of services provided by any individual
8 contractor.

9 Sec. 2. Section 48-2104, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 48-2104. Before performing any construction work in ~~any~~
12 ~~county with a population of over one hundred thousand inhabitants~~
13 Nebraska, a contractor shall be registered with the department. If
14 a contractor does business under more than one name, the contractor
15 shall obtain a registration number for each name under which the
16 contractor is doing business.

17 Sec. 3. Section 48-2107, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 48-2107. (1) Each application or renewal under section
20 48-2105 shall be accompanied by a fee of ~~twenty-five~~ one hundred
21 dollars. The fee shall not be required when an amendment to an
22 application is submitted.

23 (2) A contractor shall not be required to pay the fee if
24 the application contains an affidavit which shows the contractor is
25 self-employed and does not pay more than one thousand dollars
26 annually to employ other persons in the business. The affidavit
27 shall contain (a) a statement that the contractor is self-employed,
28 (b) a list of all employees employed in the past twelve-month

1 period and the amount paid to each employee, and (c) a list of all
2 current employees. At any time that a contractor no longer
3 qualifies for exemption from the fee, the fee shall be paid to the
4 department.

5 Sec. 4. Section 48-2114, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 48-2114. (1) The commissioner shall issue a citation to
8 a contractor when an investigation reveals that the contractor has
9 violated:

10 (a) The requirement that the contractor be registered; or

11 (b) The requirement that the contractor's registration
12 information be substantially complete and accurate.

13 (2) ~~If~~ When a citation is issued, the commissioner shall
14 notify the contractor of the proposed administrative penalty, if
15 any, by certified mail or any other manner of delivery by which the
16 United States Postal Service can verify delivery. The
17 administrative penalty shall be not more than five ~~hundred~~ thousand
18 dollars in the case of a first violation and not more than ~~five~~ ten
19 thousand dollars in the case of a second or subsequent violation.

20 (3) The contractor shall have fifteen working days from
21 the date of the citation or penalty to contest such citation or
22 penalty. Notice of contest shall be sent to the commissioner who
23 shall provide a hearing pursuant to the Administrative Procedure
24 Act.

25 Sec. 5. Section 48-2115, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 48-2115. (1) There is hereby created the Contractor
28 Registration Cash Fund to be administered by the department. The

1 fund shall consist of such sums as are appropriated to it by the
2 Legislature and any fees collected in the administration of the
3 Contractor Registration Act. All funds collected shall be remitted
4 to the State Treasurer for credit to the fund. Any money in the
5 fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act
7 and the Nebraska State Funds Investment Act.

8 (2) Fees collected pursuant to section 48-2107 shall be
9 used to enforce the act statewide.

10 Sec. 6. Original sections 48-2102, 48-2104, 48-2107,
11 48-2114, and 48-2115, Reissue Revised Statutes of Nebraska, are
12 repealed.